

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)	Examiner: PENG, Fred H
Jean-Marie GATTO and Louis NOBRE)	Art Unit: 2426
Serial No.: 09/932,282)	Confirmation No.: 4241
Filed: April 17, 2001)	Customer No.: 22430
For: INTERACTIVE TELEVISION DEVICES AND SYSTEMS)	
Atty. Docket No.: CYBS5753)	<u>COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE</u>

Via EFS

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowability and Fee(s) Due mailed August 14, 2009, Applicant submits the following comments regarding the Examiner's statement of reasons for allowance contained therein.

Reasons for allowance are only warranted in instances in which "the record of the prosecution as a whole does not make clear the Examiner's reasons for allowing a claim or claims." 37 C.F.R. § 1.104(e).

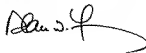
In the present case, Applicant believes the record as a whole makes clear the reasons for allowance and therefore no statement by the Examiner is necessary or warranted, other than the indication that the Office Action of July 31, 2009 has been reconsidered and withdrawn, which is

gratefully acknowledged. Therefore, the record should reflect that Applicant does not necessarily agree with the Examiner's statement of reasons for allowance.

Applicant's claims should be limited only by the terms utilized therein. In this application, the Examiner loosely quotes portions of the allowed claims in the statement of reasons for allowance such as, for example, in numbered paragraph 2 on pages 2 and 3 of the Notice of Allowance. Therefore, the statement is inaccurate to the extent that the language varies from the language that is recited in the respective claims. Moreover, the Examiner makes what are believed to be unnecessary statements relative to the functionality and perceived advantages of the claimed structure, which statements are wholly outside of the scope of the claims as allowed. Thus, Applicant hereby submits these Comments in an effort to ensure that the claims are properly construed based only upon limitations that are expressly present therein and/or to ensure that the claims are not interpreted so as to include any additional claim limitations or characterizations that are not found in the respective claims.

Should there remain unresolved issues that require action, it is respectfully requested that the Examiner telephone the undersigned so that any such issues may be resolved as expeditiously as possible.

Respectfully submitted,



Date: August 17, 2009

By: _____
Alan W. Young
Attorney for Applicants
Registration No. 37,970

YOUNG LAW FIRM, P.C.
4370 Alpine Rd., Ste. 106
Portola Valley, CA 94028
Tel.: (650) 851-7210
Fax: (650) 851-7232

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